

# Notice of Allowability

Application No.

09/656,330

Examiner

Jeffrey A. Smith

Applicant(s)

FISCHBURG, KENNETH ALAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 9/27/04.
2. ☒ The allowed claim(s) is/are 1 and 5-21.
3. ☒ The drawings filed on 07 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

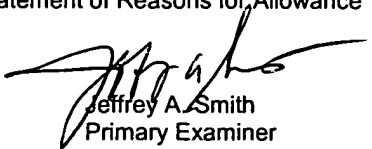
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Jeffrey A. Smith  
Primary Examiner  
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**REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Regarding claim 1

The prior art of record neither anticipates nor fairly and reasonably teaches a method for ordering goods comprising, *inter alia*, the steps of determining the user's specific procurement process including inventorying a facility of the user, auditing the user's procurement records, and querying the user's personnel involved with the procurement process; hosting a web site operative with the computer program and the content database; storing an electronic order form in the memory, the order form being unique to the user, and operative with the computer program and the content database, such that the order form lists goods that meet the requirements of the specific procurement process of the user; and receiving order signals from the user through the communications device indicative of filling in an order form.

Regarding claim 15

The prior art of record neither anticipates nor fairly and reasonably teaches a method for ordering goods comprising, *inter*

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*alia*, the steps of determining the user's specific procurement process by inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel involved with the procurement process; developing a flow chart of the steps involved in the user's procurement process; eliminating unrequired steps in the procurement process revealed in the flow chart; storing an electronic order form in the memory, the order form being unique to the user, and operative with the computer program and the content database, such that the order form lists goods that meet the requirements of the determined procurement process of the user; and receiving order signals from the user through the communications device indicative of filling in an order on the order form.

Regarding claim 19

The prior art of record neither anticipates nor fairly and reasonably teaches a method for ordering goods comprising, *inter alia*, the steps of customizing an order form, operative with a web site, to a particular procurement process of the user by inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel involved with the procurement process to determine the user's procurement process; and causing the processor of the connected client

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system to submit the electronically filled in order form to the server.

Of particular interest is Schmidt et al. (EP 0 770 967 A2). Schmidt et al discloses a decision support system for the management of an agile supply chain. Schmidt et al. does not disclose a web-based environment and accordingly no step of hosting a web site or accessing through a web site. Further, Schmidt et al. does not disclose the steps of receiving order signals from the user or causing a processor of a connected client system to submit an electronically filled in order form to a server. Schmidt et al. does disclose that their system will "help the user set joint replenishment orders" (page 32, lines 1-2), and that their system will check vendor availability (page 32, lines 29-32). However, this falls short of the system actually receiving order signals or causing a processor of a connected client system to submit an electronically filled in order form to a server.

Moreover, Schmidt et al. does not disclose the step of eliminating unrequired steps in a procurement process revealed in a developed flow chart of the steps involved in the user's procurement process.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"New on-line resource for medical/surgical devices", Biomedical Safety & Standards, Mar. 1, 2000, Vol. 30, Iss. 4, pg. 29 discloses a website that allows hospitals to purchase medical and surgical equipment.

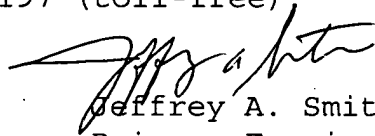
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be

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reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jeffrey A. Smith  
Primary Examiner  
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